



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 34] नई दिल्ली, शुक्रवार, नवम्बर 18, 2016/कार्तिक 27, 1938 (शक)

No. 34] NEW DELHI, FRIDAY, NOVEMBER 18, 2016/KARTIKA 27, 1938 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 18th November, 2016:—

I

BILL NO. XLIX OF 2016

A Bill to provide for special financial assistance to the Bundelkhand region of the State of Uttar Pradesh for the purpose of promoting the welfare of the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and Poor farmers and for the development, exploitation and proper utilization of its resources and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Financial Assistance to the Bundelkhand region of the State of Uttar Pradesh Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Special
Financial
Assistance to
Bundelkhand
region of
State of Uttar
Pradesh.

2. There shall be paid such sums of money out of the Consolidated Fund of India, every year, as Parliament may by due appropriate by law provide, as special financial assistance to the Bundelkhand region of the State of Uttar Pradesh to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India, for the purpose of promoting the welfare of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and Poor farmers and for the development, exploitation and proper utilization of the resources in the Bundelkhand region of the State.

Act not in
derogation of
other laws.

3. The provisions of this Act shall be in addition to and not in derogation of any other law made by the Parliament or for time being in force.

STATEMENT OF OBJECTS AND REASONS

The Bundelkhand region of the State of Uttar Pradesh is socially, educationally and economically backward. For the purposes of finding solutions to the problems of poverty, unemployment, and illiteracy and for proper utilization of the resources of the region and for the welfare of the weaker sections of the society, new developmental schemes are required to be expeditiously started in a time bound manner. Being a border state, Bundelkhand region of the State of Uttar Pradesh holds strategic importance and fulfilling its developmental needs is in national interest. Therefore, it is necessary that the Central Government should provide special financial assistance to the Bundelkhand region of the State of Uttar Pradesh for its all-round development including the welfare of weaker sections and for the development and exploitation of its extensive natural resources. Such a step of providing financial assistance to this regions shall help the nation to become more and more strong and developed.

Hence this Bill.

VISHAMBHAR PRASAD NISHAD

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India every year, as Parliament may be due appropriation provide, as special financial assistance to the region of Bundelkhand in the State of Uttar Pradesh to meet the cost of such developmental schemes as may be undertaken by the State with the approval of the Government of India. The Bill, therefore, if, enacted is likely to involve expenditure from the Consolidated Fund of India for providing special financial assistance to the Bundelkhand region of the State of Uttar Pradesh. As the sums of moneys which will be given to the Bundelkhand region of the State of Uttar Pradesh as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government are identified, it is not possible to give at this stage the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be involved out of the Consolidated Fund of India.

II

BILL NO. XLIV OF 2016

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (i) This Act may be called the Constitution (Amendment) Act, 2016.

Short title
and
commencement.

(ii) It shall come into force with immediate effect.

2. After article 16 of the Constitution, the following article shall be inserted, namely:—

Insertion of new
article 16A.

“16A Every citizen who has attained the age of eighteen years shall have the right to employment:

Right to
employment.

Provided that any such citizen, who is not provided with employment shall be entitled to unemployment allowance at such rate as Parliament may, by law, determine.”.

STATEMENT OF OBJECTS AND REASONS

Even after sixty-nine years of independence, twenty-seven per cent population of India is living below poverty line and a large number of people are starving every year. Although poverty has been controlled to some extent, a large section of our society is unemployed and they do not have any source of income. Due to unavailability of adequate employment opportunities the youth indulge in fanatic, terrorist and criminal actions to sustain themselves and get involved in other anti-social activities such as abduction, banditry, hijacking etc. which is not good for the unity and integrity of the country. Hence, it is high time to amend the Constitution for making employment a fundamental right so that young generation does not get involved in anti-national activities. Besides, provision of payment of unemployment allowance has also been made until the citizens are provided with employment. This will help the young generation financially and refrain them from engaging in anti-national activities and will dedicate themselves in the nation building activities.

Hence this Bill.

VISHAMBHAR PRASAD NISHAD

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for making the right of employment a fundamental right. It further provides that every citizen who has not got any employment shall be entitled to get an unemployment allowance at such rate as may be prescribed by the Parliament by law. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. Initially, it is estimated to incur recurring expenditure of about rupees five thousand crore per annum.

A non-recurring expenditure of about rupees one thousand crore is also likely to be incurred.

III

BILL NO. XLVII OF 2016

A Bill to provide for reservation of posts for women in establishments and for matters connected therewith and incidental thereto.

BE it enacted by the Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,
extent,
commence-
ment and
application.

1. (1) This Act may be called the Women's (Reservation in Workplace) Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It applies to such establishment owned, established, controlled, managed or financed by the Central or State Governments and includes—

(i) a Ministry or Department or subordinate office or attached office of the Government;

(ii) a public sector undertaking or statutory authority constituted under any Central Act;

(iii) a corporation in which not less than fifty-one per cent of the paid-up share capital is held by the Government;

(iv) a university established by a Central Act and its affiliated colleges, including medical and engineering colleges and institutions;

(v) a primary or secondary school or any other educational institutions;

(vi) an industry, trade or business;

(vii) a Government company as defined under sub-section (45) of section 627 of the Companies Act, 2013;

(viii) an autonomous body, organisation or institution receiving grant or aid from the Consolidated Fund of India; and

(5) It may also apply to the private establishments to such extent and in such manner as they may voluntarily decide to apply to their establishments.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appointing authority”, in relation to a service or post in an establishment, means the authority empowered to make appointment to such service or post;

(b) “Chairperson” means the Chairperson of the Council on Women’s Welfare at Workplace, appointed under sub-clause (a) of clause (2) of section 14 of the Act;

(c) “Council” means the Council on Women’s Welfare at Workplace, set up under section 14 of the Act;

(d) “Government” means the Central Government;

(e) “Group ‘A’ post” means a post which is classified as such by the President in exercise of the powers conferred by the proviso to article 309 of the Constitution or by or under any Act of Parliament and includes an equivalent post in any establishment;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “promotion by non-selection” means promotion made on the basis of seniority-cum-fitness;

(h) “promotion by selection” means promotion made on the basis of merit-cum-seniority;

(i) “recruitment year” means the calendar year for which the recruitment is made;

(j) “scientific or technical post” means posts for which qualifications in natural sciences or exact sciences or applied sciences or technology are essential and the incumbent of such post shall have to use his or her knowledge in such sciences for discharge of duties.

3. (1) The Government shall reserve not less than thirty percentage of posts for women for appointments in establishments by direct recruitment and promotion, in such manner, as may be prescribed.

Reservation for women in appointments by direct recruitment and promotion.

(2) the vacancy reserved for women under sub-section (1) shall be filled in such manner, as may be prescribed.

4. (1) Notwithstanding anything contained in section 3, there shall be no reservation where appointments are made—

No reservation in certain cases.

(i) for a period of less than forty-five days;

(ii) where work is required for any emergency relief work;

(iii) to posts higher than the lowest grade of Group 'A' posts and to those classified as scientific or technical post; and

(iv) to posts in which employment of women is prohibited or restricted by or under any law for the time being in force.

(2) The Central Government may, by notification in the Official Gazette, exempt any institution of national importance and Indian Institutes of Management from the application of this Act.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.

Inclusion of women officers in select list in case of promotion within Group 'A'.

5. In the case of promotion by selection from one Group 'A' post to another Group 'A' post which carries the scale of pay, the maximum of which is equal to or less than the maximum of the scale of pay of a Director in the Central Secretariat Service or equivalent posts in other establishments, women officers, who are fit to hold the post and are relatively senior so as to be within the number of vacancies for which the select list is to be drawn, shall be included in such select list and considered for appointment.

Unreserved vacancies to be open to women.

6. (1) The appointment to the unreserved vacancy shall be open to all eligible persons, including women.

(2) Where such unreserved vacancy is filled by direct recruitment or promotion by a women on the basis of merit, then, such person shall be appointed against the unreserved vacancy.

Fee concession.

7. The examination fee or application fee, determined for recruitment to a service or post through competitive examination or otherwise, shall be exempted or be reduced to such extent for women as may be prescribed.

Relaxation in qualifications and experience.

8. (1) Any standard of suitability, excluding the essential and desirable qualifications, required for appointment by direct recruitment to a post may be relaxed for women, if sufficient number of such candidates possessing requisite standards are not available to fill the vacancies reserved for them:

Provided that no such appointment shall be made where the candidate is found unfit to hold the post.

(2) The experience required for appointment by direct recruitment to a post may be relaxed for women, if at any stage of selection, sufficient number of such candidates possessing the requisite experience are not available to fill the vacancies reserved for them.

Reservation in case of promotion.

9. (1) Where a qualifying examination is held to determine fitness of eligible persons for promotion by non-selection and sufficient number of women fulfilling the qualifying standards are not available to fill the vacancies reserved for them, such qualifying standards may be relaxed consistent with the minimum standards of fitness required for appointment to the post, in the case of women.

(2) Where qualifying examination is held to determine merit of eligible persons for promotion by selection and sufficient number of women fulfilling the qualifying standards are not available to fill the vacancies reserved for them, such qualifying standards may be relaxed, consistent with the minimum standards of merit required for appointment to the posts, in the case of women.

Reserved Vacancies to be filled by women.

10. The vacancies reserved for women shall be filled by women only.

Abolition of posts not to affect the representation of women.

11. Where posts in an establishment are to be abolished and as a result thereof, the services of certain persons are required to be either surrendered or terminated, no such surrender or termination shall be made in respect of women, if it results in lowering their representation in relation to the percentage of reservation fixed for them.

12. (1) Every establishment shall designate an officer of such rank, as may be prescribed, to function as a liaison officer for the purpose of ensuring that the provisions of this Act or the rules made thereunder or any direction of instruction issued by the Government regarding reservation are not contravened.

Appointment and duties of Liaison officer.

(2) The liaison officer shall, from time to time, inspect and verify the documents, records and reports with respect to appointments of women made by the appointing authority by direct recruitment or promotion.

(3) Where the liaison officer is satisfied that any establishment has contravened the provisions of this Act or the rules made thereunder or any direction or instruction issued, he shall submit a report of such contravention to the head of the establishment.

(4) On receipt of the report of contravention under sub-section (3), the head of establishment shall take disciplinary action under section 16 against the person responsible for such contravention.

13. (1) Every appointing authority, or an officer authorised by him in this behalf, shall maintain such documents and records, and furnish every year a report on the appointments of women made by direct recruitment and promotion, in such manner and at such time, as may be prescribed.

Maintenance of documents and records and furnishing of reports by appointing authority.

(2) The appointing authority or any other officer authorised by him shall make available such documents and records for inspection, furnish such information, and render such assistance, to the liaison officer, as may be necessary, to enable him to carry out his functions under this Act.

14. (1) The Government shall constitute a Council to be called the Council on Women's Welfare at Workplace.

Council on Women's Welfare at Workplace.

(2) The Council on Women's Welfare at Workplace shall consist of the following members, namely—

(a) the Union Minister for Women and Child Development

Chairperson, Ex-officio,

(b) Secretary, Ministry of Women and Child Development

Member, Ex-officio,

(c) the Chairperson of the National Commission for Women

Member, Ex-officio,

(d) two prominent lawyers in the field of Women's Rights

Member

(e) two social workers working in the field of Women's Rights

Member

(3) The members of the Council, referred to in sub-clauses (c), (d) and (e) of clause (2) shall as soon as may be, choose one amongst themselves to be Vice-Chairperson of the Council for such period as they may decide.

(4) The Council shall make recommendations to the Union Government on—

(a) developing and organizing training programmes to advance the competence of women for appointment to services and posts;

(b) providing necessary social services to enable parents to combine family obligations with work responsibilities, in particular through the promotion of establishments and development of a network of child-care facilities;

(c) formulating policies regarding flexible work schedules and other such policies that would attract and retain women in workplaces.

(d) any other matter relating to women's welfare at workplace, as the Council may decide.

(5) More than one half of the total number of members of the Council shall constitute the quorum at its meetings.

(6) The Council shall determine its own procedure in the performance of its functions.

(7) Every decision of the Council shall be taken at a meeting, by a majority of the members present and voting.

(8) No act or proceedings of the Council shall be invalid merely by reason of—

(a) any vacancy in, or any defect in, the constitution of the Council; or

(b) any defect in the appointment of a person as a member of the Council; or

(c) any procedural irregularity of the Council not affecting the merits of the case.

(9) The Council may decide about the modalities to resolve disputes arising out of its recommendations.

(10) The term of office of the Members of the Council shall be such as may be prescribed.

(11) The Council shall, subject to such regulations as made in this behalf, appoint officers and other employees, as it may deem necessary.

(12) The Members, officers, and staff appointed by the Council subject to other conditions of service, shall be entitled to such remunerations as may be prescribed.

15. The Central Government shall take steps to incentivise private establishments to provide equal employment opportunities to women.

Central Government to incentive the private establishment.

16. Where any person responsible for implementing the provisions of this Act or the rules made thereunder, intentionally contravenes any of the provisions thereof, he shall be liable for disciplinary action under the service rules applicable to such person.

Disciplinary action for contravention of provisions of Act.

17. The Government may, for giving effect to the provisions of this Act or the rules thereunder, issue such directions to establishments, as it deems fit.

Power to issue directions.

18. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

(a) the manner of reservation under sub-section (1) of section 3;

(b) the manner of filling vacancies under sub-section (2) of section 3;

(c) the exemption, or the extent of reduction in examination fee and application fee under section 7;

(d) the rank of the officer to be designated as the liaison officer under sub-section (1) of section 12;

(e) the document of records to be maintained and the time and manner of furnishing report under sub-section (1) of section 13.

(3) Every rule made by the Central Government under this section shall be laid, as soon as may be, after it is made, before each House of the Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or

both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The promise of equal opportunity for women has remained as a mere promise in our country since independence. Though our Constitution has guaranteed these promises in terms of the fundamental right of equality, women are deprived of employment opportunities however they are qualified and deserving. It is high time that the women community is unshackled from their discriminatory status in the society.

Article 15 of the Constitution of India further prohibits discrimination on the basis of sex, even as it allows for State to make special provisions for women. This is in line with the provisions on international conventions like the Universal Declaration of Human Rights (1948), the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (1979) [CEDAW]. Article 4(2) of CEDAW allows for special measures to be taken in the case of accelerating equality of men and women. This principle has been reiterated in Article 5 of Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

India has been a signatory of the United Nations and the International Labour Organisation Conventions recognising the equality of the sexes. Further, it has adopted legislations that uphold Equal Remuneration, Maternity Benefits, etc. However, women in many parts of the country are kept away from active participation in the workplace.

This Bill aims to ensure that women find a respectful position in the society by bringing an end to the discrimination meted out of them. The State shall endeavour to take a progressive step towards providing women 30% reservation in all workplaces across the country.

Hence this Bill.

TIRUCHISIVA

FINANCIAL MEMORANDUM

Clause 14 of the Bill seeks to constitute a Council for Women's Welfare at Workplace. The Council shall function under the Chairmanship of the Union Minister for Women and Child Development and will have the Secretary of Ministry of Women and Child Development as a member, along with the Chairperson of the National Commission for Women, and two prominent lawyers and two social workers in the field of Women's Rights.

2. The creation of the Council will involve expenditure on account of office expenses, salaries and allowances of the officers and staff.

3. At this stage, it will be difficult to quantify the exact amount of expenditure of both recurring and non-recurring nature on account of the Constitution of the Council. Hence, the Bill, if enacted will involve expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

1. Sub-clause (1) of clause 3 of the Bill empowers the Central Government to prescribe the manner of reservation by direct recruitment and promotion for women in establishments. Sub-clause (2) thereof empowers the Central Government to prescribe the manner of filling such vacancy.

2. Sub-clause (2) of clause 4 of the Bill empowers the Central Government to amend the Schedule, by notification in the Official Gazette, to include or, omit from, such Schedule any institution of national importance and Indian Institutes of Management.

3. Clause 7 of the Bill empowers the Central Government to prescribe the extent of fee concession for women.

4. Sub-clause (1) of clause 12 of the Bill empowers the Central Government to prescribe the rank of the officer who may be designated as the liaison officer.

5. Sub-clause (1) of clause 13 empowers the Central Government to prescribe the manner of maintaining documents and records, and the manner and time of furnishing report on appointments of women made by direct recruitment and promotion, by the appointing authority.

6. Clause 17 provides for central Govt. to make rules for the purpose of carrying out the provisions of this Act.

7. The matters in respect of which rules may be made or notification may be issued are essentially matters of detail or procedure only. The delegation of legislative power is, therefore, of a normal character.

IV**BILL NO. XLV OF 2016**

A Bill further to amend the Protection of Children from Sexual Offences Act, 2012.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Protection of Children from Sexual Offences (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Omission of
Section 19.

2. In the Protection of Children from Sexual Offences Act, 2012, Section 19 shall be omitted.

No. 32 of
2012.

STATEMENT OF OBJECTS AND REASONS

Section 19 of the Protection of Children from Sexual Offences Act, 2012 compels even Court Judges, hearing a divorce case or in marriage discord cases to provide information to police authorities or otherwise face penal punishment under section 21 of the said Act. This places an unacceptable onus on the public and public Judicial persons on their mere apprehension of a possible offence being committed.

Hence this Bill.

DR. SUBRAMANIAN SWAMY

V

BILL NO. LIII OF 2016

A Bill to declare any country as state sponsor of terrorism and withdraw economic and trade relations with the such country and to create legal, economic and travel sanctions for citizens of that country and for matters connected therewith or incidental thereto.

WHEREAS the Islamic Republic of Pakistan propagates and harbors agents of international terror who have repeatedly attacked the territory and people of our country;

AND WHEREAS the Islamic Republic of Pakistan poses a continual risk to the peace and security of the region, so long as it continues to harbor agents of terror and propagates acts of terror against the territory and the citizens of our country;

NOW, THEREFORE it is expedient to coordinate activities at international and national level to ensure the best response to protect the interest of our country and its citizens.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Declaration of Countries as Sponsor of Terrorism Act, 2016.

Short title
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.

2. In this Act, unless the context otherwise requires, —

Definitions.

(a) "abet" , with its grammatical variations and cognate expressions, includes,—

(i) the communication or association with any person or class of persons who is engaged in assisting in any manner terrorists or disruptionists;

(ii) the passing on, or publication of, without any lawful authority, any information likely to assist the terrorists or disruptionists, and the passing on, or publication of, or distribution of, any document or matter obtained from terrorists or disruptionists;

(iii) the rendering of any assistance, whether financial or otherwise to the terrorists or disruptionists.

(b) "State sponsor of terrorism" means the Government of any country which, the Government of India has determined, for purposes of the Foreign Trade (Development and Regulation) Act, 1992, the Foreign Contribution (Regulation) Act, 2010, or any other provision of law in force in India, to be a Government that has provided support to" terrorist acts, directly or indirectly, including through its instrumentalities or retired officials or through negligence in taking effective steps to curtail or prevent the use of its territory for commission of terrorist acts:

22 of 1992.

42 of 2010.

Provided that a country shall be designated as a State sponsor of terrorism, by including its name in the Schedule to this Act by the Central Government by notification in the Official Gazette.

(c) "terrorist act" means any act with intent to threaten or likely to threaten the unity, integrity, security or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India, or in any foreign country, or with the intent to influence by threat or likely to influence by threat the Government of India or an international governmental organization,—

(i) by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substances (whether biological, radioactive, nuclear or otherwise) of a hazardous nature or by any other means of whatever nature to cause or likely to cause—

(a) death of, or injuries to any person or persons; or

(b) loss of, or damage to, or destruction of, property; or

(c) disruption of any supplies or services essential to the life of the community in India or in any foreign country; or

(d) damage or destruction of any property in India or in a foreign country used or intended to be used for the defence of India or in connection with any other purpose of the Government of India, any State Government or any of their agencies; or

(ii) by overawing by means of criminal force or the show of criminal force or attempts to do so or causes death of any public functionary or attempts to cause death of any public functionary; or

(iii) by designing to seriously interfere with or seriously disrupt an electronic system, computer system or network; or

(iv) by providing support by means of sponsoring or making provisions, including by non- enforcement of any law to prevent the same, for the training of

any militia, paramilitary or guerilla forces to wage proxy war against the Government of India; or

(v) by detaining, kidnapping or abducting any person and threatening to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or any other person to do so or abstain from doing any act,

Explanation I.—For the purposes of this clause, public functionary means the Constitutional Authorities and any other functionary notified in the Official Gazette by the Central Government as a public functionary under the Unlawful Activities (Prevention) Act, 1967.

37 of 1967.

Explanation II.—For the purpose of this clause a terrorist act shall include an act of terrorism involving citizens or the territory of more than one country.

Explanation III.—Without prejudice to the foregoing provisions and unless the context so requires otherwise, the term 'terrorism' shall also mean premeditated violence motivated by any political, religious, racial or ideological cause perpetrated against non-combatant targets by subnational groups or clandestine agents. The term 'non-combatant' implies, in addition to civilians, military personnel (whether or not armed or on duty) who are not deployed in a war zone.

(d) "trade" shall include any import or export of goods or services or technology, of any sort with another country.

Prohibitions.

3. (1) Whoever being a Head of the State, member of Government, a citizen or a body corporate domiciled in a country included in the Schedule or notified in the Official Gazette, as a state sponsor of terrorism shall be subject to prohibitions as under,—

(a) to travel within the territory of India and eligible for the grant of visa;

(b) from trading with any individual, entity, or a body corporate in India;

(c) from receiving or making grants, financial remittances, investments or assets of any description whether corporeal or incorporeal, moveable or immoveable, tangible or intangible, wherever located, or providing financial assistance or aid to any individual, entity or body corporate in India;

(d) for undertaking maritime activities including but not limited to fishing or trawling or entering the territorial waters of India;

(e) from overflight over the geographical boundaries of India.

(2) The prohibitions, under sub-section (1) may be waived or relaxed if the Central Government so permits, subject to the conditions which may be imposed by the Central Government in granting such waiver or relaxation.

Restrictions
for aiding or
abetting
States
sponsor of
terrorism.

4. (1) Any individual being a Head of the State, member of Government, a citizen or a body corporate who aids and abets a state sponsor of terrorism shall be subject to some or all of the prohibitions as described in section 3 of this Act, as deemed fit by the Central Government.

(2) The restrictions, under sub-section (1) may be waived or relaxed if the Central Government so permits, subject to the conditions which may be imposed by the Central Government in granting such waiver or relaxation.

Liability of
officials of
States
sponsor of
terrorism.

5. (1) The Central Government may, by notification in the Official Gazette, make provisions for revoking the immunity of the officials of a country designated as a state sponsor of terrorism and making them amenable to the jurisdiction of the courts in India.

(2) An official of a country designated as a state sponsor of terrorism shall not be immune from any suit brought against him in any Court in India in which monetary damages and compensation that country are sought against the for physical injury to person or property or for death caused by—

(a) an act of terrorism; and

(b) acts of the country, or of any official, employee, or agent of that country designated as a state sponsor of terrorism while acting within the scope of his office, employment, or agency, regardless where the tortious act or acts of the country has occurred.

6. The Central Government shall use the voice and vote of India to oppose any loan or other use of the funds of any International Financial Institution to state sponsor of terrorism.

Opposition to assistance by International Financial Institutions to States sponsor of terrorism.

Explanation.—For purposes of this section, the term "International Financial Institution" includes, the International Bank for Reconstruction and Development, the International Monetary Fund, the World Bank or any similar institution by whatever name called.

7. The Central Government of India shall not provide any assistance to any country that has been designated as a State sponsor of terrorism and has been notified as such by the Central Government, including the provision of credits, guarantees, or other financial assistance under any law for the time being in force.

Prohibition on Assistance to Governments of a State sponsor of Terrorism.

8. (1) No individual or body corporate shall import into or export from the territory of India any goods or services from or into any country which has been designated as a State sponsor of terrorism.

Prohibition on trade in goods and services with a State sponsor of Terrorism.

(2) Without prejudice to the generality of the foregoing provision, no individual or body corporate shall transact in foreign exchange, or transfer credit or payment between, by, through or to any banking institution, to the extent that such transfers or payments involve any interest of a state sponsor of terrorism or a national thereof, or import or export currency or securities to or from a State sponsor of terrorism.

(3) No individual or body corporate shall make any new investment in a State sponsor of terrorism or in property owned or controlled by the Government of such a state sponsor of terrorism or a national thereof.

9. (1) If any person contravenes any provision of this Act, or otherwise deals in any manner whatsoever, with a State sponsor of terrorism, he shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both, and notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Court trying such contravention may also impose on the person convicted an additional fine to recover from him the amount of, moneys or credits, in respect of which the contravention has been proved, or such part thereof as the Court may deem fit.

Offences and Penalties.

2 of 1974.

(2) Notwithstanding the generality of the foregoing provision, any person who contravenes this Act, shall also be liable to be tried in addition under any other law, for the time being in force and applicable to such person.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be cognizable.

10. The Central Government by notification in the official Gazettee may make rules to carry out the purpose of this Act.

Powers to make rules.

THE SCHEDULE

[Section 2(b)]

I. Islamic Republic of Pakistan

STATEMENT OF OBJECTS AND REASONS

Our country and indeed countries in the region and around the world have been subjected to numerous terror attacks, from organisations and individuals based in and with support of elements in Government of Islamic Republic of Pakistan. India in particular has suffered numerous attacks like 26/11 Mumbai and most recent attack in Uri on September 18, 2016. There has been widespread International condemnation of the attack and also of the Islamic Republic of Pakistan by most nations.

Despite undeniable evidence to substantiate that the Islamic Republic of Pakistan sponsors terror in India, we have continued to remain engaged diplomatically, culturally and economically with the Islamic Republic of Pakistan for decades.

The strategic restraint practiced by India for the last decade has come at a heavy price. Several hundred brave men of our security forces and citizens have been killed in various terror attacks on our soil.

The Islamic Republic of Pakistan continues to provide safe haven to dreaded terrorists like Hafeez Saeed and terrorist organizations like the Taliban, Al-Qaeda, Jama'at-ud-Da'wah, Jaish-e Mohammad, the Haqqani Network, Lashkar-e-Toiba among many others.

This proxy war being waged against India has also forced us to incur unprecedented economical expenditure.

While we are looking at the international community to recognise and declare Pakistan as a terror state, it is for us, as the country most affected, to take the first step towards this. We must go beyond merely condemning the attacks on our sovereignty time after time and take a decisive and strong step to declare the Islamic Republic of Pakistan a terror state.

This Bill underlines our strong condemnation of Islamic Republic of Pakistan's propagation and sponsorship of international terror and recognises its role in providing a safe haven to dreaded terrorists and terror organisations and its active role in abetting and aiding infiltration by terrorists from its soil.

Pakistan poses a continual risk to the peace, security and stability of the region and this Bill seeks to terminate and prohibit further economic, trade, sports and cultural agreements with Pakistan.

Hence this Bill.

RAJEEV CHANDRASEKHAR

MEMORANDUM REGARDING DELIGATED LEGISLATION

Clause 10 provides that the Central Government may make rules to carryout the purposes of this Bill. As the matters will relate to details only the delegation of legislations powers is of world character.

SHUMSHER K. SHERIFF,
Secretary-General.